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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,495	08/19/2003	Paul R. Dansreau	6579-01-1	5474
7590 11/24/2004			EXAMINER	
Richard R. Michaud McCormick, Paulding & Huber LLP CityPlace II 185 Asylum Street Hartford, CT 06103			ALIE, GHASSEM	
			ART UNIT	PAPER NUMBER
			3724	
DATE MAILED: 11/24/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/643,495	Applicant(s) DANSREAU ET AL.	
	Examiner Ghassem Alie	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01/08/04.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>06/21/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the fixed members and the fingers alternate in a direction parallel to the longitudinal extent of the cutting edges as set forth in claim 7 and a locking mechanism as set forth in claim 9 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "26" in Fig. 4.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The specification is objected to under 37 CFR 1.71 for not disclosing a locking mechanism which selectively locking the spacer in the plurality of the working

positions. It is not clear how the spacer is locked in the plurality of working positions. The specification fails to teach how the spacer is locked in a desired working position. Is the actuator, which is responsible for moving the spacer to a plurality of working position has a locking mechanism? The specification also fails to teach that the fixed members and the fingers alternate in a direction parallel to a longitudinal extend of the cutting edges of the blades

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-9 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which is not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Regarding claim 1, the disclosure fails to teach how the fingers displacement toward and beyond the cutting edge is controllable. Is applicant consider the forward moment of the spacer or the fingers by the actuator a controllable function? The specification fails to teach how the spacer displacement that decreases the contract between the cutting edge of the blade and the skin is controllable. Regarding claim 7, the disclosure fails to teach that the fixed members and the fingers alternate in a direction parallel to a longitudinal extend of the cutting edges of the blades. Regarding claim 9, applicant fails to teach a locking mechanism which selectively locking the spacer in the plurality of the working positions. It is not clear

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how the spacer is locked in the plurality of working positions. The specification fails to teach how the spacer is locked in a desired working position.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-6 and 8, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Chen (5,377,409). Regarding claim 1, Chen teaches a razor blade cartridge including a seat 12, a cap 14 mounted on the seat 12 so that the seat 12 and the cap 14 define a space therebetween and at least one blade 16, 18 having a cutting edge and mounted between the seat 12 and the cap 14. Chen also teaches a spacer 20' coextensive with the at least one blade 16, 18 and mounted between the seat 12 and the at least one blade 16, 18. Chen also teach that spacer 20' has a plurality of spaced apart fingers 76' extending frontward of the spacers and being operable between an initial position wherein the fingers are retracted rearward of the cutting edge and a plurality of working positions wherein the fingers are displaced toward and beyond the cutting edge for controllably decreasing contact between the cutting edge of the at least one blade 16, 18, and the skin and removing shaving debris accumulated in the space. The four curved protrusions on the bar 52' define the finger of the spacer 20'. See Fig. 6 in Chen. The spacers or the fingers also controllably are displaced toward and beyond the cutting edge of blade 18 as shown in Fig. 5. See Figs. 1-6 and col. 8, lines 22-46 in Chen.

Regarding claim 2, Chen teaches everything noted above including a seat blade 16 mounted between the seat 12 and the spacer 20' and having a cutting edge spaced forward of the cutting edge of the one blade 18 and a plane tangent to the seat and cap being a shave plane. There is inherently a plane tangent to the seat and cap. See Figs. 1-6 in Chen.

Regarding claim 3, Chen teaches everything noted above including that the fingers 76' are spaced below the shaving plane in the initial position of the spacer 20'. See Figs. 1-6 in Chen.

Regarding claim 4, Chen teaches everything noted above including that the fingers 76' of the spacer 20' lie beyond the shave plane in the plurality of the working positions. See Figs. 1-6 in Chen.

Regarding claim 5, Chen teaches everything noted above including that the seat 12 has a guide bar 24 coextending with the cutting edges of the blades 16, 18 and having a plurality of fixed members which are spaced apart along the guard bar 24 and extend upward therefrom. The fixed members are the rounded sections of the guard 24 which are separated by grooves 32. Chen also teaches that each of the fixed members having a respective rounded top terminating below, on or above the shave plane. The fixed members have a rounded top as shown in Figs. 1-3 in Chen.

Regarding claim 6, Chen teaches everything noted above including that the fixed members provided on the seat 12 are aligned with the fingers 76' formed on the spacer 20' in a direction perpendicular to a longitudinal extend of the cutting edges of the at least one and seat blades 16, 18. See Figs. 1-6 in Chen.

Regarding claim 8, Chen teaches everything noted above including that the spacer 20' has a continuous front edge from which the fingers extend frontward and at least one of the plurality of working positions wherein the front edge of the spacer lies in or beyond the shave plane corresponding to a cleaning position of the spacer 20'. See Figs. 1-6 in Chen.

To the degree that can be argued that the curved protrusions in Chen are not fingers the rejection below is applied.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-6 and 8, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Ferraro (4,272,885). Regarding claim 1, Chen teaches a razor blade cartridge including a seat 12, a cap 14 mounted on the seat 12 so that the seat 12 and the cap 14 define a space therebetween and at least one blade 16, 18 having a cutting edge and mounted between the seat 12 and the cap 14. Chen also teaches a spacer 20' coextensive with the at least one blade 16, 18 and mounted between the seat 12 and the at least one blade 16, 18. Chen also teach that spacer 20' is operable between an initial position wherein the spacer is retracted rearward of the cutting edge and a plurality of working positions wherein the spacers is displaces toward and beyond the cutting edge for controllably decreasing contact between the cutting edge of the at least one blade 16, 18, and the skin and removing shaving debris accumulated in the space. See Figs. 1-6 and col. 8,

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lines 22-46 in Chen. Chen does not teach a plurality of fingers extending frontward of the spacer. However, the use of a plurality of fingers on a spacer is well known in the art such as taught by Ferraro. Ferraro teaches a spacer 22 having a plurality of fingers 30. See Figs. 1-5 and col. 2, lines 32-68 and col. 3, lines 1-66 in Ferraro. It would have been obvious to a person of ordinary skill in the art to provide Chen's razor cartridge with the plurality of fingers as taught by Ferraro in order to increase comfort in shaving.

Regarding claim 2, Chen teaches everything noted above including a seat blade 16 mounted between the seat 12 and the spacer 20' and having a cutting edge spaced frontward of the cutting edge of the one blade 18 and a plane tangent to the seat and cap being a shave plane. There is inherently a plane tangent to the seat and cap. See Figs. 1-6 in Chen.

Regarding claim 3, Chen as modified by Ferraro teaches everything noted above including that the fingers 30, as taught by Ferraro, are spaced below the shaving plane in the initial position of the spacer 20'. See Figs. 1-6 in Chen and Figs. 1-5 in Ferraro.

Regarding claim 4, Chen as modified by Ferraro teaches everything noted above including that the fingers 30, as modified by Ferraro, of the spacer 20' lie beyond the shave plane in the plurality of the working positions. See Figs. 1-6 in Chen and Figs. 1-5 in Ferraro.

Regarding claim 5, Chen teaches everything noted above including that the seat 12 has a guide bar 24 coextending with the cutting edges of the blades 16, 18 and having a plurality of fixed members which are spaced apart along the guard bar 24 and extend upward therefrom. The fixed members are the rounded sections of the guard 24 which are separated by grooves 32. Chen also teaches that each of the fixed members having a respective rounded

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top terminating below, on or above the shave plane. The fixed members have a rounded top as shown in Figs. 1-3 in Chen.

Regarding claim 6, Chen as modified by Ferraro teaches everything noted above including that the fixed members provided on the seat 12 are aligned with the fingers 30, as modified by Ferraro, formed on the spacer 20' in a direction perpendicular to a longitudinal extend of the cutting edges of the at least one and seat blades 16, 18. See Figs. 1-6 in Chen.

Regarding claim 8, Chen teaches everything noted above including that the spacer 20' has a continuous front edge from which the fingers extend frontward and at least one of the plurality of working positions wherein the front edge of the spacer lies in or beyond the shave plane corresponding to a cleaning position of the spacer 20'. See Figs. 1-6 in Chen.

10. It is noted that claims 7 and 9 has not been rejected over prior art. However, in view of the issues under 35 U.S.C. 112, first paragraph, the objection to the specification under 37 CFR 1.71, and the drawing objections, the allowability of the subject matter cannot be determined at this time. It should be noted that claims 7 and 8 are two different species.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Abatemarco (4,641,429 and 5,070,612), Dawidowicz et al. (3,783,510), Dorion, Jr. et al. (3,786,563), Iderosa (5,412,872), Pomfret (3,955,277), Chen et al. (4,205,437), Ciaffone (4,395,822), Lee et al. (5,794,343), Oldroyd (5,388,332), Chen et al. (4,344,227), Chao et al. (3,972,114), and Pennella et al. (2002/0095791) teach a razor cartridge including a spacer having a plurality of fingers.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (571) 272-4514. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9302 for After Final communications.

GA/ga

November 19, 2004


Allan N. Shoap
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